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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,540	10/10/2003	Catherine Rotering	10971666-4	2634

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGUYEN, LAM S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/683,540	ROTERING, CATHERINE	
	Examiner	Art Unit	
	LAM S. NGUYEN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-19, 27-31 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 and 39 is/are allowed.
- 6) ☒ Claim(s) 27-31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 27-30, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (US 5896143) in view of Snyder (US 4840284).

Referring to claims 27, 36:

Matsui et al. discloses a spittoon (*FIG. 15, element 30*) for receiving ink spit from plural inkjet printheads (*FIG. 15, element 81*) movable across a printzone and into a serving region, comprising:

plural adjoining side walls (*FIG. 15, element 30*),

and an upper edge (*FIG. 16, element 30*) which define a mouth sized to receive ink from only a single one of said plural printheads at a given time; and

Matsui et al. does not disclose a catch basin joining together a lower edge of each side wall to form a liquid containing structure, with the catch basin comprising a bottom wall and at least one tapered wall extending upwardly and outwardly from the bottom wall to join the lower edge of one of said plural side walls, wherein the catch basin includes a second tapered wall opposite said one tapered wall with the second tapered wall extending upwardly and outwardly from the bottom wall to join the lower edge of a second one of said plural side walls opposite said one of said plural side walls (**Referring to claims 29, 37**).

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Snyder discloses a liquid tank having plural adjoining side walls (*FIG. 2, element 32: The vertical wall*), a bottom wall (*FIG. 2, element 32: The wall on the bottom side*), and at least two opposite tapered walls (*FIG. 2, elements 24, 26*) extending upwardly and outwardly from the bottom wall to join the lower edge of one of said plural side walls.

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the spittoon disclosed by Matsui et al. to slope the bottom wall as disclosed by Snyder. The motivation for doing so would have been to provide a tank having a sloped bottom structure that presents a smooth interior surface as taught by Snyder (*column 1, lines 32-36*).

Referring to claims 28, 38: wherein said plural adjoining side walls are substantially upright (*FIG. 15, element 30: The vertical walls*).

Referring to claims 30, 38: wherein said plural adjoining side walls define said mouth and bottom with a substantially rectangular shape (*FIG. 16, element 30*).

2. Claims 31, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (US 5896143) in view of Snyder (US 4840284) and Osborne et al. (US 5712668). (Note: For the rejections of claims 33-35, please see the rejection of claims 28-30).

Matsui et al. and Snyder discloses the claimed invention as discussed above except wherein the accumulating structure having a bottom wall with an area sized smaller than the mouth size.

Osborne et al. discloses a spittoon for receiving ink spit from a printhead, comprising:

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an ink spit receiving structure defining a mouth (*FIG. 8: The upper edge of the tapered side walls defines the receiving ink mouth of the spittoon*) to receive ink from the printhead (*FIG. 8, element H*) and an ink accumulating structure (*FIG. 8: The bottom wall*) coupled to receive ink from the ink spit receiving structure, the accumulating structure having a bottom wall with an area sized smaller than the mouth size (*FIG. 8: The area of the bottom wall is smaller than the one of the mouth*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the spittoon disclosed by Matsui et al. in view of Snyder such as the area of the bottom wall is smaller than the mouth size as disclosed by Osborne et al. The motivation for doing so would have been to down size of the tank as a common technique well known in the art to save space.

Allowable Subject Matter

2. Claims 16-19, and 39 are allowed. The reason for allowance was indicated in the previous office action.

Response to Arguments

Applicant's arguments filed 08/24/2005 have been fully considered but they are not persuasive.

The applicant argued that there is no teaching or suggestion of motivation to combine Matsui and Snyder because the two patents have very different objectives, i.e., Matsui teaches retaining fluid within an ink absorbing material and Snyder teaches draining fluid through a drainage hole in a tank, so if Matsui and Snyder were combined, the modified container of Matsui would not satisfy the intended fluid retaining purpose of Matsui. The examiner does not

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agree with the applicant's argument. Matsui, in another embodiment, also teaches that "*If a waste-ink reservoir (omitted from illustration) for reserving the ink discharged from the suction pump 16 is disposed, the previous discharge holes 30 and 31 may be allowed to communicate with the waste-ink reservoir*" (column 19, lines 30-38). As a result, Matsui's ink container (30, 31) functions as an ink receiver that receives discharged ink and drains it to the waste-ink reservoir through the mentioned communication. Therefore, Matsui and Snyder patents have the same ink/fluid tanks that are for receiving ink/fluid and being able to drain the ink/fluid. Furthermore, the combination of Matsui and Snyder would produce the modified container that satisfies the intended of fluid receiving and draining purpose of Matsui.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151.

The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

09/28/2005


HAI PHAM
PRIMARY EXAMINER